



Winston H. Hickox
Secretary for
Environmental
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California Regional Water Quality Control Board

Los Angeles Region

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Los Angeles Regional Water Quality Control Board Minutes of August 7, 2003 Regular Board Meeting held at Metropolitan Water District of Southern California, 700 North Alameda Street, Los Angeles, California

INTRODUCTION

The meeting was called to order by Chairperson Cloke at 9:13 am.

Board Members Present

Julie Buckner-Levy, Susan Cloke, Francine Diamond, Brad Mindlin, H. David Nahai, and Christopher Pak

Board Members Absent

R. Keith McDonald and Tim Shaheen

Staff Present

Dennis Dickerson, Deborah Smith, David Bacharowski, Ronji Harris, Michael Lauffer, Jack Price, Steve Cain, Jenny Newman, Laura Gallardo, Jon Bishop, Blythe Ponek-Bacharowski, Paula Rasmussen, Kwang Lee, Sam Unger, Melinda Becker, Renee DeShazo, Raul Medina, Elizabeth Erickson, Rosario Aston, Orlando Gonzalez

Others Present

Julie Babcock, Reliant Energy
Mary Ann Krause, City of Santa Paula
Melinda Barrett, County of Los Angeles Department
of Public Works
Laura Channel, City of Monterey Park
Heather Merenda, City of Santa Clarita
Mike Hennawy, City of Santa Clarita
David Chang, Southern California Water Company
Rocky Brown, West Coast Environmental
Jared Varonin, West Coast Environmental
Dan Lafferty, Los Angeles County Department of

Jason Wen, City of Downey
Bert Rapp, City of Fillmore
Norm Brown, IWR, on behalf of Newhall
Land and Farming Company
Jim Taylor, City of Pomona
Summer Gordin, KNBC TV
Lauri Ames, County of Los Angeles
Mitzi Taggart, Heal the Bay
Bob Wu, Caltrans, District 7
Craig Shuman, Heal the Bay
Angie Bera, Santa Monica BayKeeper

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Public Works
Donna Chen, City of Los Angeles
Sharon Green, Los Angeles County
Sanitation Districts
Beth Bax, Los Angeles County
Sanitation Districts

Katie Lichtig, City of Malibu
Vicki Conway, Los Angeles County
Sanitation Districts
Tony Inocentes

Pledge of Allegiance

1. Roll Call

A roll call was taken.

2. Order of Agenda.

The Executive Officer made the following changes to the agenda:

- *Items 9.1, 9.2, 12.1, and 12.2 were removed from the consent calendar*

There was a motion to approve the changes to the agenda.

MOTION: By Vice Chair Diamond, seconded by Board Member Nahai, and approved on a voice vote. No votes in opposition.

3. Approval of Minutes

There were no minutes to approve.

4. Board Member Communications and Ex Parte Disclosure

Vice Chair Diamond stated that she and Chair Cloke met a representative for Councilman Jack Weiss about water quality issues.

Chair Cloke reported that she attended meetings regarding the MS4 permit and SSO case and appeared on a Long Beach public television show. She stated that she met with Assemblymember Liu regarding stormwater projects and representatives from the Southern California Association of Governments regarding joint projects. She also attended several meetings with the City of Malibu regarding a proposed centralized wastewater treatment plant.

Board member Nahai reported that he attended a Santa Monica Bay Restoration Council press event to announce the establishment of a new agency and the new Chair, Councilman Jack Weiss.

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5. Executive Officer's Report

Nancy Sutley, Liaison to State Water Resources Control Board, gave a report on State Board matters, including budget issues and draft fee regulations.

Dennis Dickerson, Executive Officer, reported to the Board on personnel issues, recent enforcement actions, State Board stormwater outreach efforts, staff efforts to address entrainment issues at power plants, activities of the perchlorate public advisory group, and progress on the Sunshine Canyon Landfill WDRs.

Melinda Barrett, Los Angeles County, gave an update to the Board on the County's stormwater outreach efforts and public education program.

Summer Gordin, KNBC TV, discussed the public education partnership between the station and Los Angeles County.

6. Public Forum

Tony Inocentes, retired member, Otay Water District, discussed his concerns about Azusa Land Reclamation accepting soil for remediation that could be contaminated with TCE and PCE.

Sharon Green, County Sanitation Districts of Los Angeles County, discussed recent State Legislation prohibiting self regenerating water softeners.

7. Uncontested Items

The Board adopted item 8.1 on the consent calendar.

MOTION: By Board Member Nahai, seconded by Board Member Mindlin, and approved on a voice vote. No votes in opposition.

9.1 General Permit for discharges of groundwater from construction and project dewatering to surface waters

Blythe Ponek-Bacharowski, Chief, Watershed Regulatory Section, gave the staff presentation. She discussed the type of discharge to be covered by the general permit and eligibility requirements for treated versus untreated discharges. She reviewed updates to the previous two permits that were combined into the proposed permit, including CTR limits, reasonable potential screening, emergent chemicals, and creekside dewatering. She then discussed the major issues including action levels, minimum levels, dilution credits, and the difficulty of complying with CTR limits, and gave staff's responses to these issues.

There was no discussion on this item.

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MOTION: By Board Member Nahai, seconded by Board Member Mindlin, and approved on a voice vote. No votes in opposition.

9.2 General NPDES Permit Discharges for Groundwater from Potable Water Supply Wells to Surface Waters

Staff waived the staff report and there were no speakers, so Chair Cloke closed the hearing. There was a motion to approve staff's recommendation as proposed.

MOTION: By Board Member Mindlin, seconded by Vice Chair Diamond, and approved on a voice vote. No votes in opposition

10 Santa Clara River Nutrient TMDL

Sam Unger, Chief, TMDL unit, gave the staff presentation. He reviewed background on the TMDL, including beneficial uses of the River and the toxicity of ammonia. He reviewed the stakeholder process used to develop the TMDL. He then discussed the requirements of the TMDL, which included waste load allocations for major POTWs and load allocations for minor point sources such as agricultural discharges and discharges enrolled under NPDES/WDR and stormwater permits. He then discussed the implementation plan, which called for compliance within five to eight years after the effective TMDL date. He reviewed issues raised by stakeholders, including the margin of safety, the need for a water effects ratio for ammonia, and the question of whether or not the current numeric standards are sufficiently protective of aquatic life. He then reviewed some of the special studies required by the TMDL to address these issues.

Jon Bishop, Chief, Regional Programs section, reviewed the reasons for the length of the implementation plan. He stated that the two POTWs in the upper watershed had completed nitrification/denitrification (N/DN) and would comply with the ammonia allocations but not the nitrate+nitrite allocations. He stated that the two POTWs in the lower watershed needed to undergo major reconstruction at their facilities to meet their allocations.

Councilmember Marianne Krause, City of Santa Paula, supported the TMDL and staff's recommendation of an 8 mg/L waste load allocation for ammonia at Santa Paula. She then discussed the need for the implementation schedule at the Santa Paula and Fillmore treatment plants.

Heather Merenda, City of Santa Clarita, supported the TMDL and thanked all of the stakeholders for their participation and compromise. She approved of the special studies.

Burt Rapp, City of Fillmore, supported the TMDL and the 8 mg/L ammonia allocation to Fillmore. He stated that the interim limits in the implementation plan were necessary because Fillmore could not meet the final allocations without construction of a N/DN facility.

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Nom Brown, Newhall Land and Farming Company, supported the TMDL and stakeholder involvement and approved of the implementation plan.

Craig Shuman, Heal the Bay, expressed concerns with the TMDL. He asked for clarification of the type of nitrogen in the interim limits, stated that the 5-year compliance schedule provided a disincentive for timely compliance with future limits, and recommended studies to assess the effects of high pH and antidegradation. He added that the TMDL did not accurately address future growth through concentration limits and suggested that a cap be placed on nitrogen loading.

Dan Lafferty, Los Angeles County Department of Public Works, supported the TMDL and the stakeholder approach.

Vicki Conway, County Sanitation Districts of Los Angeles County, supported the TMDL, the stakeholder process, and the interim limits. She agreed with the change of limits to a monthly average.

Beth Bax, County Sanitation Districts of Los Angeles County, discussed the new weekly receiving water dissolved oxygen and nitrate+nitrite limits. She asked that the 24-hour dissolved oxygen sampling be included in Task #6 of the implementation plan.

Board Questions

The Board asked staff to respond to comments.

Jon Bishop addressed Heal the Bay's comments. He agreed with their concerns about the lack of information in certain reaches and stated that the special studies were developed to address this problem. He stated that he was not opposed to adding an evaluation of the effects of high pH in tributaries on denitrification in Reaches 7 and 8. Regarding nitrate antidegradation, he stated that under the current scheme, if ammonia concentration decreased, then nitrate+nitrite concentrations would increase, but the total load of nitrogen would decrease as well as the toxicity.

In response to County Sanitation Districts' comments, he stated that staff did not oppose moving the dissolved oxygen monitoring from a special study to Task #6 of the implementation plan.

Board Member Mindlin asked Councilmember Krause if Santa Paula had increased sewer fees, and if so, by what percent. He asked how the rates compared to rates in other cities.

Councilmember Kraus replied that she believed the City would be increasing the rates by 9% in the coming year and an additional 5% the following year. She

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stated that the City had one of the highest sewer rates in the area and the lowest per capita income.

Board member Pak asked for staff's opinion on the impact of moving the dissolved oxygen sampling requirement to the implementation plan.

Jon Bishop replied that there would not be a severe impact. He stated that the difference was that one would be a special study for a certain period and the other would involve the incorporation of monitoring into future permits.

Vice Chair Diamond asked staff to address written comments by Ventura CoastKeeper opposing the length of the implementation schedule.

Mr. Bishop replied that the staff took a pragmatic view when developing the TMDL and based it on when the POTWs could come into compliance, not when they should come into compliance. He added that the Board had the ability to penalize POTWs who did not meet the previous 2002 compliance date for ammonia, but that the TMDL was not the appropriate mechanism to do so.

Board Member Nahai asked if the TMDL sanctioned trading, why the TMDL did not more adequately address future growth, and if the five and eight year compliance dates were necessary.

Mr. Bishop replied that the TMDL did not sanction trading, but allowed the dischargers to investigate it as a possibility. He stated that the concentration-based approach did in fact address future growth, and was chosen because the system was in flux, making a mass balance approach inappropriate.

Michael Lauffer, staff counsel, added that both concentration and mass-based limits would be included in future permits to implement the TMDL because the current permits had both limits and to exclude load based limits would violate antibacksliding laws.

Mr. Bishop addressed the compliance schedule issue by saying that the five years were needed to integrate the nutrient TMDL studies with the chloride TMDL studies. Once those studies were completed, the three-year period was needed for the POTWs to achieve compliance.

Chair Cloke stated her concerns about the length of the implementation schedule. The Board then discussed the appropriateness of requiring a shorter implementation schedule.

There was a motion to adopt the TMDL as recommended by staff with the changes in the change sheets and the following additional changes:

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- *Under Task No. 6 in the implementation schedule, the addition of the language, "including pH and denitrification processes."*
- *Under Task Nos. 12 and 13 in the implementation schedule, clarification that the compliance periods were maximum timeframes.*
- *The addition of a new finding before No. 15 in the Resolution regarding the use of mass-based limits in NPDES permits.*
- *Move the oxygen monitoring from the monitoring program to Task No. 6 in the implementation plan.*

MOTION: By Board Member Nahai, seconded by Vice Chair Diamond, and approved on a voice vote.

12.1 and 12.2 Waste Discharge Requirements and Time Schedule Order for Reliant Energy
Mandalay, Inc., Oxnard

There was a motion to place Item Nos. 12.1 and 12.2 back on the consent calendar.

MOTION: By Vice Chair Diamond, seconded by Board Member Pak, and approved on a voice vote. No votes in opposition.

13. Update on Wastewater Issues in the City of Malibu.

Dennis Dickerson presented the Board with brief background information on wastewater issues in Malibu and introduced the City Manager from Malibu.

Katie Lichtig, City manager, City of Malibu, discussed the City's plans to purchase the Chili Cookoff site in order to build a centralized wastewater treatment plant for the commercial facilities in the Civic Center. She stated that the item would be voted on in a November 4, 2003 election. She discussed the need for clarification about how the proposed future treatment plant would affect the current permitting of septic systems.

Chair Cloke asked how many facilities with Regional Board issued WDRs were waiting for City approval.

Ms. Lichtig replied that the Malibu Bay Company's approval was pending until after the November election and that they had not received any applications for Malibu Country Mart.

Board Member Mindlin left the meeting after the Malibu update.

11. Marina del Rey Mothers' Beach and back Basins Bacteria TMDL

Melinda Becker, Chief, Standards and TMDL unit, gave the staff presentation. She discussed the watershed, the listed impairments for the Marina, and impacted beneficial

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uses. She stated that the Marina del Rey watershed was a subwatershed of the Santa Monica Bay Watershed, and to be consistent, the Marina TMDL applied the same "reference system approach" that was used in the SMB beaches TMDLs for bacteria. She reviewed the point and nonpoint sources of bacteria in the Marina, and discussed the wasteload and load allocations for these sources. She reviewed the critical condition, the margin of safety, and the number of exceedance days for bacteria allowed under the TMDL. She then discussed the staff recommended implementation plan, which required compliance with the summer dry weather portion in three years, the winter dry weather portion in 6 years, and the wet weather portion in 10 years. She then reviewed comments and staff's responses to comments.

Donna Chen, City of Los Angeles, supported the adoption of the alternative proposal. She requested a five-year compliance schedule for both summer and winter dry weather conditions and an 18-year wet weather compliance schedule in order to allow for an integrated resource approach.

Angie Bera, Santa Monica BayKeeper, generally supported the TMDL but requested that it include studies to identify additional small drains to the Marina and to more adequately address nonpoint sources.

Mitzi Taggart, Heal the Bay, reviewed comments that were mostly addressed in the change sheet, including compliance monitoring at Mothers' Beach, the need to address boater waste in the compliance plan and implementation schedule, and an investigation of all nonpoint sources. She stated that she could accept a five-year compliance schedule for winter and summer dry weather and an 18-year schedule for wet weather.

Dan Lafferty, County of Los Angeles, supported the alternative recommendation. He stated that the City of Los Angeles should be the lead permittee, as the entire area surrounding the Marina was under their jurisdiction. He opposed compliance monitoring in areas not listed as impaired.

Board Questions

Chair Cloke asked the County if the 18-year implementation schedule would be used to investigate the potential for treatment wetlands for the Oxford flood control basin.

Mr. Lafferty replied the County had not looked into any specific implementation strategies but that they would be included in the County's workplan.

Vice Chair Diamond asked about the discharge of wastes from boats and how compliance with a waste load allocation of zero would be achieved. She also asked how staff felt about an 18-year implementation schedule.

Jon Bishop replied that staff did not disagree with comments regarding boat discharges and had proposed language to add more emphasis on nonpoint source analysis. He added that it was already illegal for boats to discharge waste

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and that the TMDL required an enforcement plan from County Beaches and Harbors. Finally, he stated that the Marina del Rey watershed was small and isolated and that 10 years would be adequate time to comply with the TMDL.

Chair Cloke asked staff to address the request for identification of small unknown drains to the Marina.

Renee DeShazo, Standards and TMDL unit, suggested language to address these drains, requiring their identification within 120 days of the effective date of the TMDL.

Board Member Nahai asked if the County could comply with both the winter and summer dry weather allocations in four years.

Mr. Lafferty replied that if the capacity between the Marina and Hyperion allowed, the County could comply in four and a half years.

Board Member Nahai moved to adopt the staff recommendation, with proposed language to identify small drains, to tie the Marina del Rey wet weather implementation schedule to the 18-year Santa Monica Bay TMDL implementation schedule if an integrated resource plan was used, and to allow three years to comply with both winter and summer dry weather portions of the TMDL, with the possibility of a one year extension to be granted by the executive officer.

MOTION: By Board Member Nahai, seconded by Board Member Pak, and approved on a voice vote. No votes in opposition.

Adjournment of Current Meeting

The meeting adjourned at 3:20 pm. The next regular meeting is scheduled for September 11, 2003, at the Metropolitan Water District of Southern California, 700 North Alameda Street, Los Angeles, at 9:00 a.m.

Minutes adopted at the _____ Regular Board meeting
submitted/amended.

Written and submitted by: _____.

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